

Notice of Allowability

Application No.

09/926,375

Examiner

Valarie Bertoglio

Applicant(s)

FORSBERG ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03/22/2006.
2. ☒ The allowed claim(s) is/are 1-12, 19, 22, 24, 27-31 and 33-35.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 0406.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The amendments made below were necessary to correct informalities newly identified by the Examiner. Since these are newly raised issues and the Reply of 22 Mar. 2006 had overcome all previous issues of record, no extension of time is required in order to make the amendment.

Authorization for this examiner's amendment to the claims was given in a telephone interview with Micheline Gravelle on 04/03/2006.

The application has been amended as follows:

In the specification, executable hypertext was disabled as follows:

In line 19 of page 16, "<http://transgenics.bhs.uab.edu/page1.htm>" was replaced with

-- transgenics.bhs.uab.edu/page1.htm--.

In line 11 of page 22, "<http://www.ncbi.nlm.nih.gov/BLAST/>" was replaced with

-- ncbi.nlm.nih.gov/BLAST/--

In line 22 of page 22, "<http://CCR-081.mit.edu/GENESCAN.html>" was replaced with

-- CCR-081.mit.edu/GENESCAN.html--.

In the claims, claims 3, 5, 7, 27 and 35, respectively, have been replaced with:

3. The mammal of claim 2 wherein said salivary protein promoter/enhancer sequence comprises a parotid secretory protein (PSP) promoter/enhancer, a proline-rich protein (PRP) promoter/enhancer or a salivary amylase promoter/enhancer.

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5. The mammal of claim 4 wherein said parotid secretory protein (PSP) promoter/enhancer is from a mouse.

7. The mammal of claim 6 wherein said proline-rich protein (PRP) promoter/enhancer is from a rat.

27. The method of claim 19 wherein said phytase is *Escherichia coli AppA* phytase.

35. The process of claim 30 wherein said salivary gland secretion is from a parotid gland, submaxillary, or a submandibular gland.

Drawings

The following changes to the drawings have been approved by the examiner and agreed upon by applicant via Micheline Gravelle on 04/06/2006.

The drawings will be renumbered replacing the word "continued" as follows. Sheets 2/58-3/58 will be renumbered as Figures 1A and 1B, respectively. Sheets 6/58-7/58 will be renumbered as Figures 3A and 3B, respectively. Sheets 10/58-16/58 will be renumbered as Figures 5A-5G, respectively. Sheets 31/58-34/58 will be renumbered as Figures 18A-18D, respectively. Sheets 36/58-38/58 will be renumbered as Figures 19A-19C, respectively. Sheets 40/58-43/58 will be renumbered as Figures 20A -20D, respectively. Sheets 45/58-46/58 will be renumbered as Figures 21A -21B, respectively. Sheets 48/58-50/58 will be renumbered as Figures 22A-22C, respectively. Sheets 52/58-58/58 will be renumbered as Figures 23A-23G, respectively.

In addition, the amino acid sequences will be removed from drawing sheets 10/58, 31/58, 36/58, 40/58, 45/58, 47/58 and 52-53/58 as the sequences are not represented in the sequence

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listing. Removal of the amino acid sequences will not constitute new matter as the information contained therein is represented by the remaining information in each respective figure including the nucleic acid sequences that encode the amino acids.

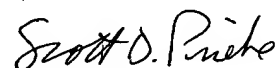
In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Valarie Bertoglio whose telephone number is (571) 272-0725. The examiner can normally be reached on Mon-Thurs 5:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on (571) 272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Valarie Bertoglio
Examiner
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SCOTT D. PRIEBE, PH.D
PRIMARY EXAMINER